



10-07-04

#26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary L. Rutledge

Serial No.: 09/259,000

Filed: February 26, 1999

For: Single Camera Video Inspection
System for Water Wells and Bore
Holes

§ Group Art Unit: 2613

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Examiner: G. Philippe

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OCT 1 2 2004

Technology Center 2600

**PETITION UNDER 37 CFR §181(a) TO WITHDRAW HOLDING OF
ABANDONMENT**

MAIL STOP: PETITION

Director of Patents and Trademarks

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

The Examiner mailed a Notice of Abandonment in the above-referenced case on September 22, 2004. The abandonment of the application was incorrect and should be withdrawn, because allowable claims were then pending in the application after appeal to the Board of Patent Appeals and Interferences..

On May 14, 2004, the Board mailed its decision. The Board reversed the Examiner's rejection of claims 1-4, 9, 18, 19, 23-25, and 33. The Board sustained the rejection of claims 5-8 and 29-32 and implicitly reversed the rejection of claims 26-28, dependent on claim 18. The Board entered a new ground of rejection for claims 1-9. Therefore, pending claims 18, 19, 23-28, and 33 were and are allowable.

Petition to Withdraw Notice of Abandonment
S/N 09/259,000
Express Mail Certificate No. ED 008713585

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On June 10, 2004 the applicant transmitted by facsimile an "Amendment After Decision of Board of Patent Appeals." A true copy of this amendment, and the facsimile transmission record is attached to this petition and incorporated into it by reference. Applicant canceled the claims where rejections were upheld by the Board or where new grounds of rejection were entered, leaving un-amended the remaining allowable claims. In the same amendment, applicant elected not to traverse the new ground of rejection for claims 1-9, and further elected not to seek court review of the Board's decision. The Examiner did not request a rehearing of the Board's decision.

After the decision by the Board, the application is returned to the Examiner for such further action "...to carry into effect the decision." 37 CFR § 1.197. When the time for court appeal has passed, the Examiner must take up the application for consideration and, where claims stand allowed, as here, the Examiner is required to issue the allowed claims. MPEP 1214.06.

Therefore, Applicant respectfully requests this Petition be granted, and that the Examiner issue the claims standing allowed after the Board's decision.

Respectfully Submitted,

GLAST, PHILLIPS & MURRAY, P.C.

By 

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October 6, 2004

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MAIL STOP: PETITION
Director of Patents and Trademarks
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Re: Patent Application — SINGLE CAMERA VIDEO INSPECTION
SYSTEM FOR WATER WELLS AND BORE HOLES
Serial No. 09/159,000
Our File No. 09038.30

Dear Sir:

Enclosed for filing are the following:

1. Petition Under 37 CFR §181(a) To Withdraw Holding of Abandonment, with attached Amendment After Decision of Board of Patent Appeals; and
2. A self-addressed, stamped postcard which I would appreciate you date-stamping and returning to me upon receipt.

Thank you for your attention to this matter.

Yours truly,

John A. Thomas

JAT/cmw
Enclosures